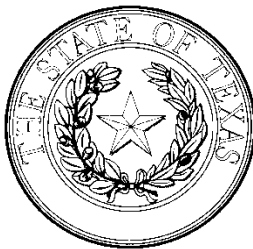


Opinion issued October 25, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00113-CV

FIVE STAR DEVELOPMENT RESORT COMMUNITIES, LLC, Appellant
V.
UHY ADVISORS FLVS, INC., Appellee

On Appeal from the 151st District Court
Harris County, Texas
Trial Court Cause No. 2010-62355

MEMORANDUM OPINION

Appellant, Five Star Development Resort Communities, LLC, has filed a motion to dismiss the appeal because the claims between the parties have been settled. *See* TEX. R. APP. P. 42.1(a)(1). The motion contains a certificate of

service, but does not contain a certificate of conference. *See* TEX. R. APP. P. 10.1(a). Over ten days have passed, however, and appellee has not filed a response in opposition. *See* TEX. R. APP. P. 10.1(b), 10.3(a). No opinion has issued. *See* TEX. R. APP. P. 42.1(c).

Accordingly, we grant the motion and dismiss the appeal.¹ *See* TEX. R. APP. P. 42.1(a)(1). We dismiss all other pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Bland and Huddle.

¹ Appellant requests that the mandate issue immediately and that each party bear its respective costs of appeal. Texas Rule of Appellate Procedure 18.1 allows the Court to issue a mandate earlier than the timelines provided therein, “if the parties so agree, or for good cause on the motion of a party.” TEX. R. APP. P. 18.1(c). Rule 42.1 provides that “[a]bsent agreement of the parties, the court will tax costs against the appellant.” TEX. R. APP. P. 42.1(d). Appellant has not shown that an agreement exists between the parties with respect to the mandate or costs. Further, appellant has not offered any basis on which to conclude that good cause exists to vary from the prescribed timelines under the Rules.